



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Annual Report to Parliament

Access to Information Act and Privacy Act

2007 - 2008



Canada

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**Rapport annuel au Parlement Loi sur l'accès à l'information et Loi sur la
protection des renseignements personnels 2007-2008**

1. INTRODUCTION

OVERVIEW

While the purpose of the *Privacy Act (PA)*, proclaimed in July 1983, is "to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information" (section 2), the purpose of the *Access to Information Act (ATIA)*, also proclaimed in July 1983, is "to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution" (section 2) to Canadians, permanent residents and anyone living in Canada.

The principles underlying these Acts are:

- government information should be available to the public;
- necessary exceptions to the right of access should be limited and specific;
- the *ATIA* is not meant to replace existing means of providing information;
- decisions on the disclosure of government information should be reviewed independently of government; and
- apart from for a few specific exceptions, personal information cannot be disclosed without the consent of the individual to whom the information pertains.

This Annual Report to Parliament is for the 2007-2008 fiscal year, as required under subsections 72(1) and 72(2) of the *Access to Information Act and Privacy Act*.

DEPARTMENTAL MANDATE

Indian and Northern Affairs Canada (INAC) is responsible for two separate yet equally important mandates: **Indian and Inuit Affairs** and **Northern Development**. This broad mandate is derived largely from the *Department of Indian Affairs and Northern Development Act*, the *Indian Act*, territorial acts and legal obligations arising from section 91(24) of the *Constitution Act, 1867*; however, the Department is responsible for administering over 50 statutes in total. Consequently, INAC's mandate is complex and its responsibilities encompass a broad range of programs.

The Department is responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis and for fulfilling the federal government's constitutional responsibilities in the North. The Minister of Indian Affairs and Northern Development is also the Federal Interlocutor for Métis and Non-Status Indians. The Federal Interlocutor's role is to provide a point of contact between the Government of Canada and Métis, Non-Status Indians and urban Aboriginal peoples.

Effective June 1, 2008, Indian Residential School Resolution of Canada (IRSRC) was transferred to the Department. IRSRC previously a separate department reporting to the Minister, is responsible for addressing and resolving issues arising from the legacy of Indian Residential Schools. A separate annual report for IRSRC will be submitted for 2007-2008.

DELEGATED AUTHORITIES

Under section 73 of both Acts, the Minister's authority is delegated to enable the Department to meet its legislated requirements as well as exercise its powers. Responsibility for all sections of the Acts has been delegated to the Corporate Secretary, Office of the Corporate Secretariat and to the Departmental Access to Information and Privacy Coordinator. Certain staff are also delegated to carry out specific administrative functions. The Department's Delegation Orders for both Acts can be found at Appendices A and B.

STRUCTURE OF THE ATIP UNIT

In order to fulfill its responsibilities under both Acts, the ATIP Unit is divided in three (3) teams; one (1) team is responsible for Privacy Policies and the other two (2) teams process all the requests. The Coordinator is assisted by two (2) Senior Policy Advisors who oversee the operations by handling logistic matters, special projects, training and human resources management. The unit reports to the Corporate Secretary who is directly accountable to the Deputy Head and is a member of the Department's Executive Committee.

INFORMATION SESSIONS AND ANNUAL WORKSHOP

During the last fiscal year, forty-eight (48) information sessions were given on *Access to Information Act* and *Privacy Act*, on a national level. Over six-hundred (600) participants attended these sessions given by two (2) instructors, who are employees of the ATIP Unit. They received positive and constructive reviews.

These sessions were primarily directed toward departmental staffs who are involved in the ATIP process. The goal was for them to understand the process and its requirements, and in doing so, to improve the handling of requests, ultimately providing requesters with better support and service.

In the same vein, the ATIP Unit held a National Workshop in the National Capital Area from February 28 to March 1, 2008. Over seventy (70) participants attended this very successful learning and networking event.

2. ACCESS TO INFORMATION ACT

HIGHLIGHTS

Between April 1, 2007 and March 31, 2008, the Department received four hundred (400) requests for information under the *Access to Information Act* (see Figure 1). Along with these new requests received, thirty-nine (39) requests were carried over from the previous fiscal year, for a total of four hundred and thirty-nine (439) requests. During the reporting period, three hundred and fifty-four (354) requests were completed; eighty (80) active files will be carried over to the next reporting period. The annual statistical report on the operation of the *Access to Information Act* can be found on pages 8 and 9.

REQUESTOR SOURCES

The Access to Information requests received during this reporting period break down as follows (see Figure 1):

Media	116
Academia	0
Business	102
Organization	61
Public	<u>121</u>
TOTAL	400

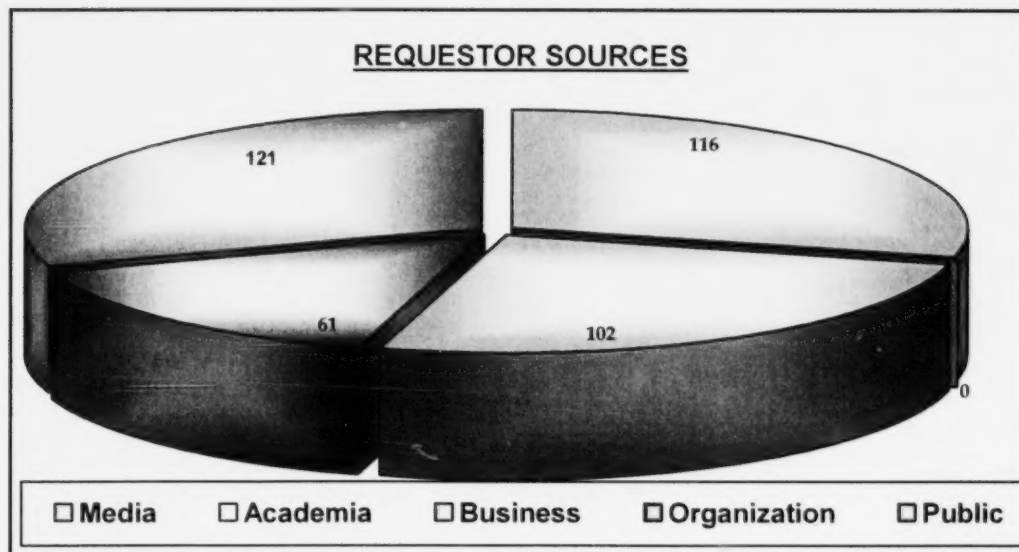


Figure 1

2. ACCESS TO INFORMATION ACT

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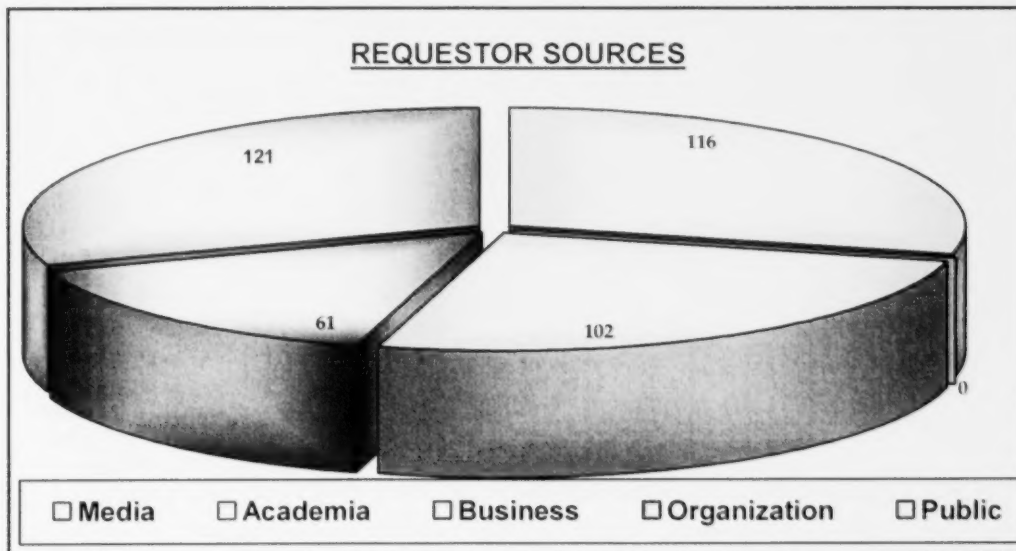


Figure 1

DISPOSITION OF COMPLETED REQUESTS

The distribution of completed requests is as follows (see Figure 2):

• All Disclosed	75
• Disclosed in Part	116
• Nothing Disclosed (Excluded)	1
• Nothing Disclosed (Exempt)	4
• Transferred	3
• Unable to Process ¹	63
• Abandoned by the Applicant	70
• Treated Informally	<u>22</u>
TOTAL	354

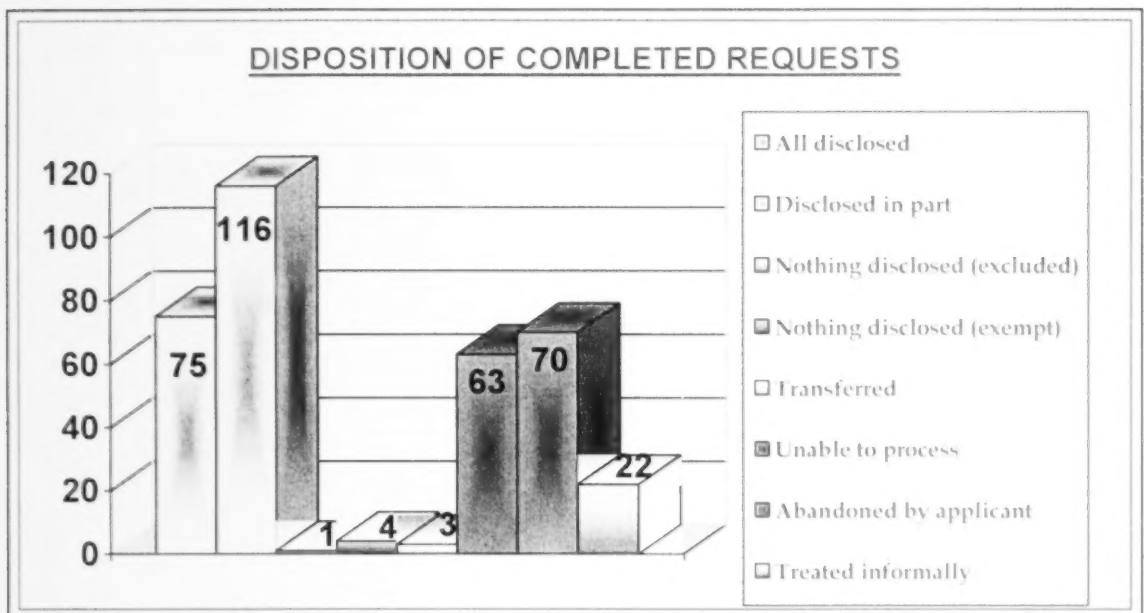


Figure 2

FEES AND COSTS

For the reporting period, the Department collected \$12,364.00 in fees, and waived \$42,105.80 in fees.

¹ There were no records in response to these requests

DISPOSITION OF COMPLETED REQUESTS

The distribution of completed requests is as follows (see Figure 2):

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• Treated Informally	<u>22</u>
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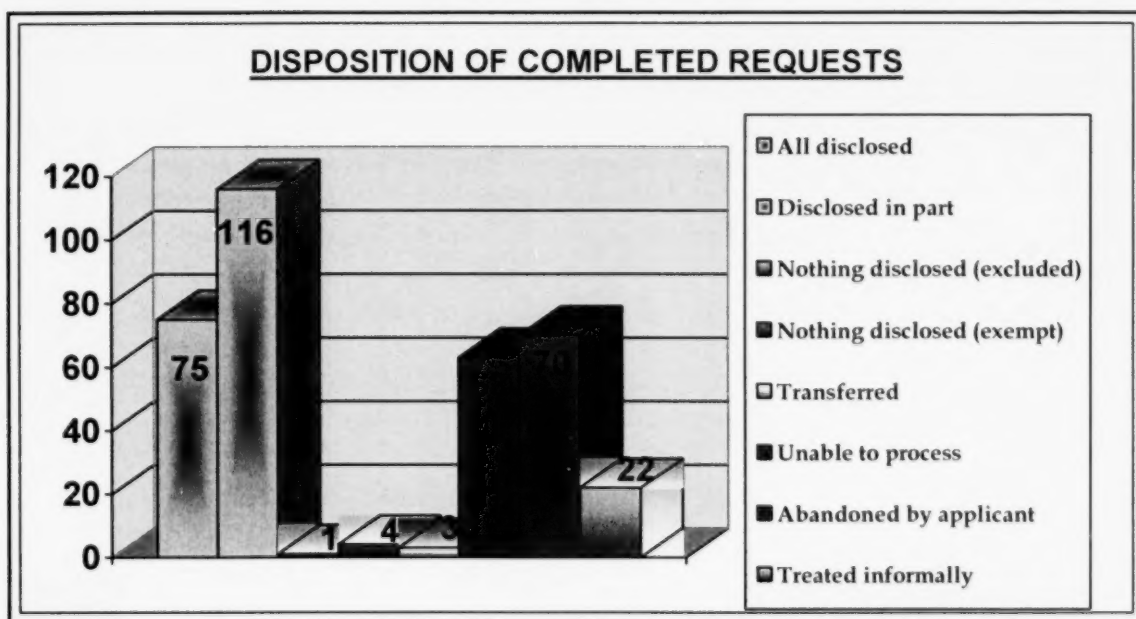


Figure 2

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¹ There were no records in response to these requests.

CONSULTATIONS WITH OTHER INSTITUTIONS

When a request contains records that are of a greater interest to another institution, the Access to Information and Privacy Coordinator of that institution is consulted. INAC was consulted in one hundred and fifty four (154) cases in the reporting period.

COMPLAINTS AND INVESTIGATIONS

During the reporting period, nineteen (19) complaints against the Department were filed with the Information Commissioner of Canada. To deal with these, six (6) investigations were completed; thirteen (13) will be carried over to the next reporting period.

Of the six (6) completed investigations, the Information Commissioner of Canada found that two (2) complaints were not substantiated and four (4) were resolved to the satisfaction of the requestor. None of the complaints were considered to be founded.



REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada				Reporting period / Période visée par le rapport 04/01/2007 TO/À 03-31-2008	
Source	Media / Médias 116	Academia / Secteur universitaire 0	Business / Secteur commercial 102	Organization / Organisme 61	Public 121

**I Requests under the Access to Information Act /
Demandes en vertu de la Loi sur l'accès à l'information**

Received during reporting period / Reçues pendant la période visée par le rapport	400
Outstanding from previous period / En suspens depuis la période antérieure	39
TOTAL	439
Completed during reporting period / Traitées pendant la période visée par le rapport	354
Carried forward / Reportées	85

**II Disposition of requests completed /
Disposition à l'égard des demandes traitées**

1 All disclosed / Communication totale	75	6 Unable to process / Traitement impossible	63
2 Disclosed in part / Communication partielle	116	7 Abandoned by applicant / Abandon de la demande	70
3 Nothing disclosed (excluded) / Aucune communication (exclusion)	1	8 Treated informally / Traitement non officiel	22
4 Nothing disclosed (exempt) / Aucune communication (exemption)	4	TOTAL	354
5 Transferred / Transmission	3		

**III Exemptions invoked /
Exceptions invoquées**

S Art 13(1)(a)	4	S Art 16(1)(a)	3	S Art 18(b)	2	S Art 21(1)(a)	32
(b)	0	(b)	0	(c)	0	(b)	29
(c)	6	(c)	3	(d)	7	(c)	28
(d)	0	(d)	0	S Art 19(1)	73	(d)	4
S Art 14	13	S Art 16(2)	0	S Art 20(1)(a)	0	S Art 22	5
S Art 15(1) International rel / Relations intern	2	S Art 16(3)	0	(b)	49	S Art 23	31
Defence / Défense	4	S Art 17	1	(c)	30	S Art 24	3
Subversive activities / Activités subversives	0	S Art 18(a)	1	(d)	16	S Art 26	3

**IV Exclusions cited /
Exclusions citées**

S Art 68(a)	9	S Art 69(1)(c)	3
(b)	0	(d)	2
(c)	0	(e)	5
S Art 69(1)(a)	8	(f)	2
(b)	1	(g)	30

**V Completion time /
Délai de traitement**

30 days or under / 30 jours ou moins	230
31 to 60 days / De 31 à 60 jours	46
61 to 120 days / De 61 à 120 jours	61
121 days or over / 121 jours ou plus	17

**VI Extensions /
Prorogations des délais**

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	24	16
Consultation	12	35
Third party / Tiers	8	50
TOTAL	44	101

**VII Translations /
Traduction**

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
English to French / De l'anglais au français	0
French to English / Du français à l'anglais	0

**VIII Method of access /
Méthode de consultation**

Copies given / Copies de l'original	190
Examination / Examen de l'original	0
Copies and examination / Copies et examen	1

**IX Fees /
Frais**

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	\$1 810.00	Preparation / Préparation	\$0.00
Reproduction	\$3 037.00	Computer processing / Traitement informatique	\$0.00
Searching / Recherche	\$7 517.00	TOTAL	\$12 364.00
Fees waived / Dispense de frais		No. of times / Nombre de fois	\$
\$25.00 or under / 25 \$ ou moins		50	\$ 383.00
Over \$25.00 / De plus de 25 \$		25	\$ 42 105.80

**X Costs /
Coûts**

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 975 854.65
Administration (O and M) / Administration (fonctionnement et maintien)	\$ 169 173.97
TOTAL	\$ 1 144 028.62
Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	15.75





Government
of Canada

Gouvernement
du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

**Supplemental Reporting
Requirements for 2007-2008**

Access to Information Act

In addition to the reporting requirements addressed in form TBS/SCT 350-62 "Report on the Access to Information Act", institutions are required to report on the following using this form:

Part III – Exemptions invoked

Section 13

Subsection 13(e) _____ 2 _____

Section 14

Subsections 14(a) _____ 8 _____

14(b) _____ 5 _____

Part IV – Exclusions cited:

Subsection 69.1 _____ 2 _____

**Exigences en matière de rapports pour
2007-2008**

Loi sur l'accès à l'information

En plus des exigences relatives à l'établissement de rapports dont on traite dans le formulaire

TBS/SCT 350-62, « Rapport concernant la Loi sur l'accès à l'information », les institutions sont tenues de déclarer ce qui suit en utilisant le présent formulaire :

Partie III – Exceptions invoquées

Article 13

Paragraphe 13(e) _____ 2 _____

Article 14

Paragraphe 14(a) _____ 8 _____

14(b) _____ 5 _____

Partie IV – Exclusions citées

Paragraphe 69.1 _____ 2 _____

3. PRIVACY ACT

HIGHLIGHTS

Between April 1, 2007 and March 31, 2008, the Department received twenty-seven (27) requests for information under the *Privacy Act*. In addition, three (3) requests were carried over from the previous fiscal year, for a total of thirty (30) requests. During the reporting period, twenty-eight (28) requests were processed and two (2) active files will be carried over to the next reporting period. The annual statistical report on the operation of the *Privacy Act* can be found on pages 13 and 14.

DISPOSITION OF COMPLETED REQUESTS

The distribution of completed requests is as follows:

• All Disclosed	3
• Disclosed in Part	14
• Nothing Disclosed (Excluded)	0
• Nothing Disclosed (Exempt)	0
• Unable to process	8
• Abandoned by the Applicant	2
• Transferred	<u>1</u>
TOTAL	28

DISCLOSURE OF PERSONAL INFORMATION

Personal information under the control of a government institution **shall not**, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with subsection 8(1) of the *Privacy Act*.

Further to the formal twenty-seven (27) requests received under the *Privacy Act*, as indicated above, there are permissible disclosures of personal information under subsection 8(2) of the *Privacy Act* which may be disclosed without the consent of the individual to whom the information pertains (see Figure 3). These disclosures constitute three hundred and sixty (360) requests and their breakdown is identified in the following paragraphs.

Paragraph 8(2)(a)

Personal information may be disclosed "*for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose.*"

Under this paragraph of the *Privacy Act*, seventeen (17) requests were received and treated.

Paragraph 8(2)(b)

Personal information may be disclosed *"for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure."*

Under this paragraph of the *Privacy Act*, seventy-three (73) requests were received and treated.

Paragraph 8(2)(c)

Personal information may be disclosed *"for the purpose of complying with a subpoena or warrant issued or order made by a court, [...] for the purpose of complying with rules of court relating to the production of information."*

Under this paragraph of the *Privacy Act*, one (1) request was received and treated.

Paragraph 8(2)(d)

Personal information may be disclosed *"to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government of Canada."*

Under this paragraph of the *Privacy Act*, thirty-five (35) requests were received and treated.

Paragraph 8(2)(e)

Personal information may be disclosed *"to an investigative body [...] for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation..."*

Under this paragraph of the *Privacy Act*, thirty-one (31) requests were received and treated.

Paragraph 8(2)(f)

Personal information may be disclosed *"under an agreement or arrangement between the Government of Canada [...] and the government of a province [or territory] [...] for the purpose of administering or enforcing any law or carrying out a lawful investigation."*

Under this paragraph of the *Privacy Act*, one hundred and ninety (190) requests were received and treated.

Paragraph 8(2)(j)

Personal information may be disclosed *"to any person or body for research or statistical purposes if the head of the government is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates and obtains from*

the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates.”

Under this paragraph of the *Privacy Act*, two (2) requests were received and treated.

Paragraph 8(2)(k)

Personal information may be disclosed “to any association of aboriginal peoples, Indian band, government institution or part thereof, or to any person acting on behalf of such association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada.”

Under this paragraph of the *Privacy Act*, eleven (11) requests were received and treated.

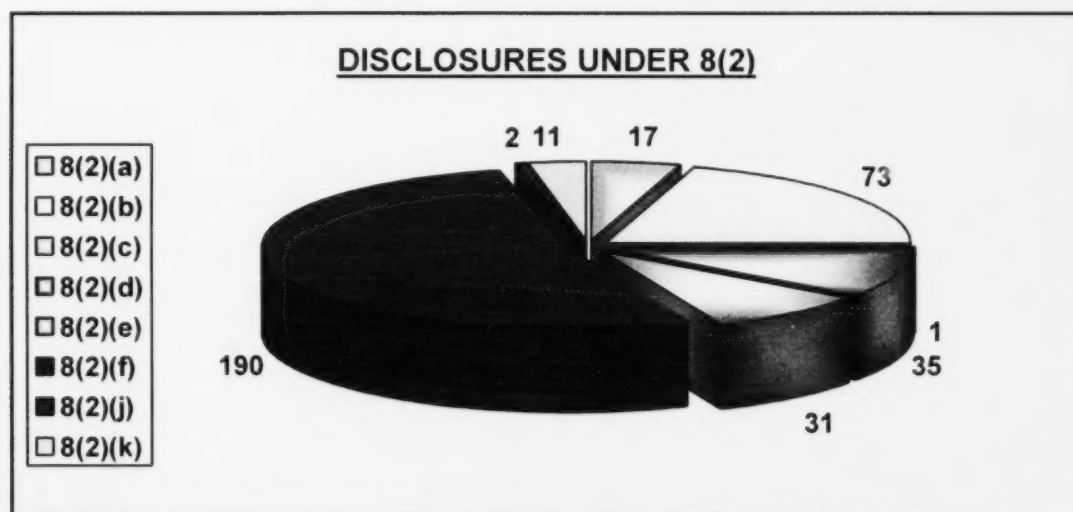


Figure 3

COMPLAINTS AND INVESTIGATIONS

During fiscal year 2007-2008, only one (1) complaint was filed with the Privacy Commissioner of Canada, against the Department, in relation to the processing of requests made under the Act. The complaint will be carried over to the next reporting period.



REPORT ON THE PRIVACY ACT RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada	Reporting period / Période visée par le rapport 04/01/2006 to / à 03/31/2007
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I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period / Reçues pendant la période visée par le rapport	27
Outstanding from previous period / En suspens depuis la période antérieure	3
TOTAL	30
Completed during reporting period / Traitées pendant la période visées par le rapport	28
Came forward / Reportées	2

II Disposition of request completed / Disposition à l'égard des demandes traitées

1 All disclosed / Communication totale	3
2 Disclosed in part / Communication partielle	14
3 Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4 Nothing disclosed (exempt) / Aucune communication (exemption)	0
5 Unable to process / Traitement impossible	8
6 Abandoned by applicant / Abandon de la demande	2
7 Transferred / Transmission	1
TOTAL	28

III Exemptions invoked / Exceptions invoquées

S Art. 18(2)	0
S Art. 19(1)(a)	0
(b)	0
(c)	1
(d)	0
S Art. 20	0
S Art. 21	0
S Art. 22(1)(a)	0
(b)	0
(c)	0
S Art. 22(2)	0
S Art. 23 (a)	0
(b)	0
S Art. 24	0
S Art. 25	0
S Art. 26	14
S Art. 27	1
S Art. 28	0

IV Exclusions cited / Exclusions citées

S Art. 69(1)(a)	0
(b)	0
S Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	20
31 to 60 days / De 31 à 60 jours	6
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours ou plus	1

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	4	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	4	0

VII Translations / Traductions

Translations requested / Traductions demandées	0
Translations prepared / Traductions préparées	0
English to French / De l'anglais au français	0
French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	17
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention

Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	\$ 66 656.73
Administration (O and M) / Administration (fonctionnement et	\$ 11 567.45
TOTAL	\$ 78 224.18
Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	1.08



REPORT ON THE PRIVACY ACT
RAPPORT CONCERNANT LA LOI SUR LA PROTECTION
DES RENSEIGNEMENTS PERSONNELS

**Supplemental Reporting
Requirements for 2007-
2008**

Privacy Act

Treasury Board Secretariat is monitoring compliance with the Privacy Impact Assessment (PIA) Policy (which came into effect on May 2, 2002) through a variety of means. Institutions are therefore required to report the following information for the 2007-2008 reporting period.

Indicate the number of:

Preliminary Privacy Impact Assessments initiated: 4

Preliminary Privacy Impact Assessments completed: 1

Privacy Impact Assessments initiated: 19

Privacy Impact Assessments completed: 2

Privacy Impact Assessments forwarded to the Office of the Privacy Commissioner (OPC):
 2

If your institution did not undertake any of the activities noted above during the reporting period, this must be stated explicitly.

**Exigences en matière
d'établissement de rapports
pour 2007-2008
Loi sur la protection des
renseignements personnels**

Le Secrétariat du Conseil du Trésor surveille la conformité à la Politique sur l'Évaluation des facteurs relatifs à la vie privée (EFVP) (qui est entrée en vigueur le 2 mai 2002) par divers moyens. Les institutions sont donc tenues de déclarer les renseignements suivants pour la période de déclaration 2007-2008.

Prière d'indiquer le nombre :

d'évaluations préliminaires des facteurs relatifs à la vie privée amorcées : 4

d'évaluations préliminaires des facteurs relatifs à la vie privée achevées : 1

d'évaluations des facteurs relatifs à la vie privée amorcées : 19

d'évaluations des facteurs relatifs à la vie privée achevées : 2

d'évaluations des facteurs relatifs à la vie privée acheminées au Commissariat à la protection de la vie privée (CPVP) : 2

Si votre institution n'a pas entrepris l'une ou l'autre des activités susmentionnées durant la période de rapport, cela doit être mentionné de façon explicite.

4. ADMINISTRATION OF PERSONAL INFORMATION

PRIVACY IMPACT ASSESSMENTS (PIA)

A PIA is a step-by-step evaluation of the flow of personal information held within a given program or service. This process enables the Department to determine whether new technologies, information systems, initiatives, and proposed programs or policies meet federal government privacy requirements.

The Privacy Policy division of the Access to Information and Privacy (ATIP) Unit has been instrumental in making the PIA process a focal point for privacy activities at INAC. By providing advice and guidance, including written and verbal training, the Privacy Policy division has enabled all INAC program offices to incorporate privacy into their fundamental program planning.

A PIA outlines salient points about new or existing personal information, including hard copy format or through technology systems, by answering questions about the information that will be collected, who will be able to access the information, how the information and data will be maintained, what administrative controls will be in place, and how the decision to use the information was made. From the initiation of a PIA to the final product, the Privacy Policy division has provided PIA direction to program offices and their components.

The Privacy Policy division has provided critical privacy advice to new initiatives, resulting in changes that will improve privacy protection in departmental programs. Procedures are being established to ensure that privacy is considered throughout the life cycle of INAC's processes and programs and that fair information principle inform policy decisions concerning data collection and use.

In the past fiscal year, INAC has completed two (2) PIAs as indicated in the statistical report.

APPENDICES:

Appendix A – *Access to Information Act* – Delegation Order

Appendix B – *Privacy Act* – Delegation Order

SCHEDULES:

Schedule A.1 – Designation pursuant to Section 73 of the *Access to Information Act*

Schedule B.1 – Designation pursuant to Section 73 of the *Access to Information Act*

Schedule A.2 – Designation pursuant to Section 73 of the *Privacy Act*

Schedule B.2 – Designation pursuant to Section 73 of the *Privacy Act*

Ministre des Affaires indiennes et
du Nord canadien et interlocuteur fédéral
auprès des Métis et des Indiens non inscrits



Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

**Loi sur l'accès à l'information -
Ordonnance de délégation de pouvoirs**

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur l'accès à l'information*, j'autorise par les présentes les employés exerçant des fonctions ou occupant le poste de secrétaire du Ministère, Secrétariat du Ministère (numéro de poste 12294), le coordonnateur (numéro de poste 62185) de l'Accès à l'information et de la protection des renseignements personnels et les employés qui leur succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer, à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que chef de cette institution administrative en vertu de la Loi, et tel qu'énoncés dans l'annexe A ci-jointe.

J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (numéros de postes 62364, 12590, 12061 et 12058) et ceux qui leur succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les

**Access to Information Act -
Delegation Order**

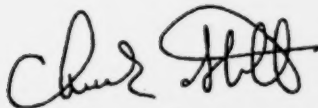
Pursuant to the powers of designation conferred upon me by Section 73 of the *Access to Information Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position number 12294), and the departmental Access to Information and Privacy Coordinator (position number 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule A.

The departmental Access to Information and Privacy Senior Advisors (position numbers 62364, 12590, 12061 and 12058) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those powers,

Canada

fonctions dévolus au ministre en tant que
chef de cette institution administrative du
gouvernement en vertu de la Loi, et tel
qu'énoncés dans l'annexe B ci-jointe.

duties or functions of the Minister as the
Head of the government institution under
the Act, and as set out in the attached
Schedule B.



Ministre des Affaires indiennes et du Nord canadien
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le *24* *May* 2008
Dated at Gatineau, the *24* of *May* 2008

Ministre des Affaires indiennes et
du Nord canadien et interlocuteur fédéral
auprès des Métis et des Indiens non inscrits



Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

**Loi sur la protection des
renseignements personnels -
Ordonnance de délégation de pouvoirs**

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, j'autorise par la présente les employés exerçant des fonctions ou occupant le poste de secrétaire du Ministère, Secrétariat du Ministère (numéro de poste 12294), le coordonnateur / gestionnaire (numéro de poste 62185) de l'Accès à l'information et de la protection des renseignements personnels et les employés qui leur succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que chef de cette institution administrative en vertu de la Loi, et tels qu'énoncés dans l'annexe A ci-jointe.

J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (numéros de postes 62364, 12590, 12061 et 12058), ainsi que ceux qui leur succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les

**Privacy Act -
Delegation Order**

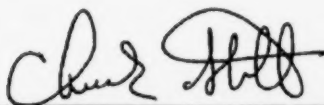
Pursuant to the powers of designation conferred upon me by Section 73 of the *Privacy Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position number 12294), and the departmental Access to Information and Privacy Coordinator / Manager (position number 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule A.

The departmental Access to Information and Privacy Senior Advisors (position numbers 62364, 12590, 12061 and 12058) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those

Canada

fonctions dévolues au ministre en tant que
chef de cette institution administrative du
gouvernement en vertu de la Loi et tels
qu'énoncés dans l'annexe B ci-jointe.

powers, duties or functions of the
Minister as the Head of the government
institution under the Act, and as set out
in the attached Schedule B.



Ministre des Affaires indiennes et du Nord canadien
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le *26* *May* 2008
Dated at Gatineau, the *26* of *May* 2008

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF
THE ACCESS TO INFORMATION ACT

Sections and Powers, Duties or Functions

- 6 Advise requesters that we need additional information to proceed with their request
- 7(a) Give written notice to requestor that we can proceed with the request
- 8(1) Transfer request to another institution or accept transfer from another institution
- 9 Extend time limits
- 10 Refuse to acknowledge or deny the existence of records
- 11 Charge additional fees
- 12(2)(3) Provide access in alternate format
- 13 Exempt information obtained in confidence
- 14 Exempt information pertaining to federal-provincial affairs
- 15 Exempt information pertaining to international affairs and/or defence
- 16 Exempt information pertaining to law enforcement and investigations
- 17 Exempt information pertaining to the safety of individuals
- 18 Exempt information pertaining to the economic interests of Canada
- 19 Exempt personal information
- 20 Exempt or disclose third party information
- 21 Exempt information pertaining to advice, decision-making processes of government plans and positions, etc.
- 22 Exempt information pertaining to testing procedures or audits

- 23 Exempt information pertaining to solicitor-client privilege
- 24 Exempt information subject to statutory prohibitions or other *Acts of Parliament*
- 25 Sever information
- 26 Exempt information to be published within 90 days
- 27(1)(4) Notify third parties of their rights to provide comments/representations regarding the disclosure of their records
- 28 Receive third party representations; make a decision as to whether to disclose the record or part thereof; and, notify third party of right to appeal to Federal Court
- 29(1) Disclose information on Information Commissioner's recommendation
- 33 Advise the Information Commissioner of any third party involvement
- 35(2) Make representations to the Information Commissioner during an investigation
- 37(4) Release information to complainant
- 43(1) Issue a notice to a third party of an application for Court review
- 44(2) Issue a notice to an applicant that a third party has applied for Court review
- 52 Request special rules for hearings
- 69 Exclude Cabinet Confidences
- 71 Inspect and exempt information in manuals
- 72(1) Prepare Annual Report to Parliament
- 77 Carry out responsibilities conferred to the Head of the institution by the regulations made under section 77 which are not included in the above

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF
THE ACCESS TO INFORMATION ACT

Sections and Powers, Duties or Functions

- 6 Advise requesters that we need additional information to proceed with their request
- 7(a) Give written notice to requestor that we can proceed with the request
- 8(1) Transfer request to another institution or accept transfer from another institution
- 9 Extend time limits
- 11 Charge additional fees
- 27(1)(4) Notify third parties of their rights to provide comments/representations regarding the disclosure of their records
- 28 Receive third party representations; make a decision as to whether to disclose the record or part thereof; and, notify third party of right to appeal to Federal Court
- 33 Advise the Information Commissioner of any third party involvement
- 35(2) Make representations to the Information Commissioner during an investigation
- 43(1) Issue a notice to a third party of an application for Court review
- 44(2) Issue a notice to an applicant that a third party has applied for Court review



SCHEDULE A.2

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT

Sections and Powers, Duties or Functions

- 8(2) Disclose personal information without the consent of the individual to whom it relates
- 8(4) Keep copies of requests made under 8(2)(e), keep records of information disclosed pursuant to such requests and to make those records available to Privacy Commissioner
- 8(5) Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)
- 9(1) Retain a record of use of personal information
- 9(4) Notify the Privacy Commissioner of consistent use of personal information and update index accordingly
- 10 Include personal information in personal information banks
- 11(a) Publish annually an index of all personal information banks and their respective contents
- 11(b) Publish annually an index of all personal information held by the institution which is not part of a bank
- 14 Respond to request for access, within statutory deadline; give access or give notice
- 15 Extend time limit and notify applicant
- 16 Where access is refused
- 17(2)(b) Language of access or alternative format of access
- 17(3)(b) Access to personal information in alternative format
- 18(2) May refuse to disclose information contained in an exempt bank

- 19(1) Shall refuse to disclose information obtained in confidence from another government
- 19(2) May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
- 20 May refuse to disclose information injurious to federal-provincial affairs
- 21 May refuse to disclose information injurious to international affairs and/or defence
- 22 May refuse to disclose information injurious to law enforcement and investigation
- 23 May refuse to disclose information injurious to security clearances
- 24 May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board
- 25 May refuse to disclose information injurious to which could threaten the safety of individuals
- 26 May refuse to disclose information about other individuals, and shall refuse to disclose such information where disclosure is prohibited under section 8
- 27 May refuse to disclose information subject to solicitor-client privilege
- 28 May refuse to disclose information relating to an individual's physical or mental health where disclosure is contrary to the best interests of the individual
- 31 Receive notice of investigation by the Privacy Commissioner
- 33(2) Make representations to the Privacy Commissioner during an investigation
- 35(1) Receive the Privacy Commissioner's report of findings of the investigation and give notice of action taken
- 35(4) Give complainant access to information after 35(1)(b) notice
- 36(3) Receive Privacy Commissioner's report of findings of investigation of exempt
- 37(3) Receive report of Privacy Commissioner's findings after compliance investigation where the institution has not complied with sections 4 to 8
- 51(2)(b) Request that matter be heard and determined in National Capital Region

- 51(3) Request and be given right to make representations in Section 51 hearing
- 72(1) Prepare Annual Report to Parliament
- 77 Carry out responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above

SCHEDULE B.2

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT **SCHEDULE TO DELEGATION ORDER**

DESIGNATION PURSUANT TO SECTION 73 OF THE PRIVACY ACT

Sections and Powers, Duties or Functions

- 10 Include personal information in personal information banks
- 11(a) Publish annually an index of all personal information banks and their respective contents
- 11(b) Publish annually an index of all personal information held by the institution which is not part of a bank
- 15 Extend time limit and notify applicant
- 31 Receive notice of investigation by the Privacy Commissioner